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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,165	02/27/2002	Yoshihiro Yamaguchi	450100-03797	1336
20999	7590	07/14/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			HAILU, TADESSE	
		ART UNIT		PAPER NUMBER
				2173

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/085,165	YAMAGUCHI ET AL.
	Examiner Tadesse Hailu	Art Unit 2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 April 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,7-12 and 14-16 is/are rejected.
- 7) Claim(s) 6,13 and 17 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment submitted/entered April 29, 2005 for the Application number 10/085,165.

Priority

2. The patent application claims foreign priority benefit under 35 USC 119 of the foreign applications for patent, Japan 2001-055935, filed Feb 28, 2001.

Specification

3. The correction to the Specification submitted on April 29, 2005 is entered into the file.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 7-12, 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi et al (6,795,097).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claims 1, 14 and 15:

Yamaguchi disclose rotational and press-able jog-dial information input device (30) located near a plurality of operating keys, Enter key and Backspace key (Fig. 4) (clickable keys) within a notebook. Input by jog-dial is performed by rotating and pressing the jog-dial.

Yamaguchi further describes a first display status (e.g., jog-dial menu, Figs. 17-19) for displaying what processing an information processing device can currently carry out in accordance with the operation using the jog-dial input device.

Yamaguchi further describes a second display status (e.g., Figs. 20-21, see the list items for the selected menu) for displaying a list of items which can be executed on the information processing device in accordance with the operation using the jog-dial input device.

Yamaguchi's jog-dial is situated or configured on the right side of the top of the main unit 2 (FIG. 1), between a plurality of click buttons, such as an operating

key 4A corresponding to the Backspace key and an operating key 4B corresponding to the Enter key, since the jog-dial is so close (see Fig. 4) to keys 4A and 4B, the plurality of keys and jog-dial are manipulated with one hand.

Yamaguchi further describes (column 15, lines 5, 9, lines 31-40, column 16, lines 6-12) and illustrates (Fig. 26) the jog-dial window indicates which way the jog-dial 30 should be rotated, wherein the rotation direction that can be applied on the jog-dial correlates with the displayed arrow direction (a or b).

With regard to claim 7

Claim 7 recites substantially similar limitations as independent claim 1. In addition to the reasons given for the rejections of the above claims, Yamaguchi further describes the a function execution step (e.g., Figs. 20-21, see the execution of menu item “BRIGHTNESS”) executing the processing or item selected at the first display step or the second display step.

With regard to claim 8:

Claim 8 recites substantially similar limitations as independent claim 1. In addition to the reasons given for the rejections of the above claims, Yamaguchi further describes that the operation status (e.g., Fig. 26, indicates manipulation direction status, also the displayed jog-dial menu indicates the selected (highlighted) hierarchical menu item, in the first and second display menu, Figs. 20-21)). Yamaguchi further illustrates that user manipulation of jog-dial is correlates with the display jog-dial menu display. (Also see col. 2 lines 67 to col. 3 lines 5).

With regard to claims 2 and 9:

Yamaguchi further illustrates that the first display status (e.g., Figs. 17-19) is the main menu or a guide status. Similarly, the second display status, or the sub-menu is considered as a list view status (Figs. 20-21) displayed for selection.

With regard to claims 3 and 10:

Yamaguchi further illustrates that the second display status includes at least two stages of display status made up of a primary hierarchical display and a secondary hierarchical display (see Figs. 20-21).

With regard to claims 4 and 11:

Yamaguchi further illustrates that the arrangement of the hierarchy distinguish the primary from the secondary hierarchy (see Figs. 20-21) (also see col. 2 line 67 to col. 3 line 5).

With regard to claim 5, 12, and 16:

Yamaguchi further illustrates and describes the first display status and the second display status are formed as areas which expand and contract in a direction parallel to the direction of rotation of the input device and are horizontally symmetrical (e.g. Fig. 30, and 33). For example, as illustrates in these Figs. The first display of Movie Player capable of Digital Zoom and Return to Original size in the direction parallel to the direction of jog-dial 300 (see Fig. 30) and the second hierarchically menu structure display horizontally expand and contrast (also see Figs. 20-21).

Response to Arguments

5. Applicant's arguments filed April 29, 2005 have been fully considered but they are not persuasive. The Applicant argues that the input device (jog-dial) is not situated in close proximity to the click buttons or touch pad or other keys used to activate the various information processing (e.g., computer) functions. The Examiner disagrees because Yamaguchi's jog-dial is situated or configured on the right side of the top of the main unit 2 (FIG. 1), between a plurality of click buttons, such as an operating key 4A corresponding to the Backspace key and an operating key 4B corresponding to the Enter key (i.e., used to activate the various information processing functions), since the jog-dial is so close (see Fig. 4) to keys 4A and 4B, the plurality of keys and jog-dial are manipulated with one hand as claimed in the invention.

The Applicant also argues that the input device (e.g., jog-dial) in Yamaguchi appears to rotate in a direction contrary to the first and second display status. The Examiner disagrees because although the jog-dial of Yamaguchi moves in a horizontal direction, each direction correlates to the indicated jog-dial direction movement ("up" or "down", Fig. 26), wherein based on the indicated direction one can visualize which way to rotate the jog-dial. Thus, the user does move the jog-dial in substantially the same direction as the display status. As illustrated in Fig. 26, the jog-dial menu indicates which direction to rotate each the jog-dial to reach each respective menu, and user moves the jog-dial according the indicated direction, "up"

or "down". Wherein "up" indicates to move the jog-dial in anti-clockwise direction and "down" indicates to move the jog-dial in clockwise direction. Thus, Yamaguchi appears to rotate in a direction similar to the jog-dial menu display status (in another alternative, for example, notebook display unit could be swing/situated in a flat open position so the displayed jog-dial direction movement (Fig. 26) will correlate to the direction of movement of the jog-dial 30).

Allowable Subject Matter

6. Claims 6, 13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regard to claims 6, 13 and 17:

While Yamaguchi describes and illustrates displaying the jog-dial menu in within conventional window area shaped display, but Yamaguchi does not describe or illustrates "a wound band shaped display area of a roll-shaped image extended in a direction perpendicular to the direction of rotation of the input device in an initial state is extended in a direction parallel to the direction of rotation of the input device as a user touches the input device as recited in the above claims.

CONCLUSION

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

Nishimura et al (US Pat No. 6,816,870), the documents cited therein teach substantially similar teaching with the present invention. Nishimura, among other similar teaching with the current invention, teaches plurality of arrangement of the jog dial 4, such as centrally, the front surface along the left and right edge of the touch pad or between G and H keys of the keyboard unit (see column 8, lines 29-54). Similar arrangement of jog dial also shown in the teaching of Hatanaka et al (US Pub No. 2001/0014862) (see paragraphs 44-46).

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to **Tadesse Hailu**, whose telephone number is

(571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

10. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173
7/7/05

